[Sensitivity Training Requirement for Providers of Youth Services and City Employees]

AMENDING PART I OF THE SAN FRANCISCO MUNICIPAL CODE (ADMINISTRATIVE CODE) BY ADDING CHAPTER 12N, SECTION 12N.1 THROUGH SECTION 12N.4, THERETO TO REQUIRE THAT ALL CONTRACTS BETWEEN THE CITY AND ORGANIZATIONS THAT ENGAGE IN YOUTH SERVICES CONTAIN A REQUIREMENT THAT SUCH ORGANIZATION PROVIDE LESBIAN, GAY, BISEXUAL, AND TRANSGENDER SENSITIVITY TRAINING FOR ANY EMPLOYEE OR VOLUNTEER WHO HAS DIRECT CONTACT WITH YOUTH OR WHOSE WORK DIRECTLY AFFECTS YOUTH, AND THAT ANY CITY EMPLOYEE WHO HAS DIRECT CONTACT WITH YOUTH OR WHOSE WORK DIRECTLY AFFECTS YOUTH UNDERGO LESBIAN, GAY, BISEXUAL, AND TRANSGENDER SENSITIVITY TRAINING.

Note: This entire section is new.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Findings. The Board of Supervisors of the City and County of San Francisco hereby finds and declares as follows:

A. In May, 1998, the City and County of San Francisco created the Lesbian, Gay, Bisexual, Transgender, Queer and Questioning Youth Task Force to recommend to the Board of Supervisors the adoption of legislation to ensure the full implementation of the 1996 San Francisco Human Rights Commission’s recommendations regarding the needs of Lesbian, Gay, Bisexual, Transgender, Queer and Questioning Youth.

B. There are a number of issues confronting Lesbian, Gay, Bisexual, Transgender, Queer and Questioning Youth including higher rates of homelessness, parental rejection, low self-esteem, verbal and/or physical harassment and assault, suicide, and lack of access to health care and HIV education, and suicide prevention which impact these youth at far higher rates than other youth populations.
C. There are numerous hate crimes committed against persons based solely on their
lesbian, gay, bisexual, or transgender status both nationwide and within the City and County
of San Francisco. Numerous studies have indicated that if a person is “sensitized” or knows
other lesbian, gay, bisexual, or transgender persons, there is a marked decrease in his or her
propensity to commit such hate crimes.

D. City employees and youth-serving organizations’ employees and volunteers who
have direct contact with youth or whose work directly affects lesbian, gay, bisexual, and
transgender youth often have little or no training regarding this community’s specific issues
and needs.

E. A requirement that City employees and youth-serving organizations’ employees
and volunteers undergo lesbian, gay, bisexual and transgender sensitivity training may result
in overall improvements in the system of care to this community.

Section 2. Part I of the San Francisco Municipal Code (Administrative Code) is hereby
amended by adding Chapter 12N, Sections 12N.1 through Section 12N.4, to read as follows:

Section 12N.1. Definitions. As used in this Chapter the following words and phrases
shall have the meanings indicated herein:

(a) “City” shall mean the City and County of San Francisco.

(b) “Contract” shall mean an agreement (however titled including, without limitation, a
memorandum of understanding) to grant or otherwise provide funds to an organization for
youth services, including funds from another governmental entity administered through the
City or any City commission, board, agency or department. “Contract” shall not include (1) an
agreement to provide goods to the City pursuant to bids or requests for proposals, where the
City is the end user of the goods or (2) an agreement to provide services or benefits to City
employees and/or to their family members, dependents, or their other designated
beneficiaries.
(c) "Organization" shall mean any corporation formed under California law for any
private, public or charitable purpose, or any collaborative, which receives a cumulative total
per year of at least $50,000 in City-provided or City-administered funds.

(d) "Sensitivity Training" shall mean any program provided from a list of providers
whose programs have been reviewed and approved by a joint Human Rights Commission and
Youth Commission committee and shall include, but is not limited to, training regarding issues
faced by disabled, HIV positive, immigrant, persons of color, sexually abused, runaways from
non-accepting households, and homeless lesbian, gay, bisexual, transgender, queer, and
questioning youth.

(e) "Youth Services" shall mean child care, including after school care; job readiness,
training and placement; health, including mental health and substance abuse; social services;
homeless prevention, housing or shelter programs or services; education; recreation;
delinquency prevention; and library services programs directed at or designed to serve
children or youth between the ages of ten and eighteen years old, or older as defined by the
organization.

Section 12N.2. Contract Language Requiring Youth Service Providers To Provide
Lesbian, Gay, Bisexual, And Transgender Sensitivity Training For Any Employee Or
Volunteer Who Has Direct Contact With Youth Or Whose Work Directly Affects Youth.

(a) Each contracting agency of the City or any department thereof, acting for or on
behalf of the City, shall include in every solicitation for youth services under the competitive
contractor selection process, provisions requiring any organization submitting such a proposal
or request to provide lesbian, gay, bisexual, and transgender sensitivity training for any
employee or volunteer who has direct contact with youth, or whose work directly affects youth,
as part of its proposal or request.
(b) Each contracting agency of the City or any department thereof, acting for or on behalf of the City, shall include in all contracts between it and any organization that is subject to this Chapter a provision requiring lesbian, gay, bisexual, and transgender sensitivity training for any employee or volunteer who has direct contact with youth or whose work directly affects youth. The contract shall require the organization to conduct such a training on an annual basis, unless the contracting agency of the City or any department thereof requires more frequent trainings. The contract shall require the organization to provide documentation certifying to its Board of Directors and the City agency or department administering the contract that such a training was conducted and the requirements of the training were fulfilled on an annual basis.

(c) In furtherance of the purposes of this Chapter, the Controller, in consultation with the City Attorney, shall create the provisions described in subsections (a) and (b), above, consistent with the provisions of this Chapter.

(d) Each City department or agency administering contracts with organizations providing youth services shall provide copies of the documentation certifying that such trainings were conducted, as required in Chapter 12N of the San Francisco Administrative Code, to the Commission, if any, that oversees the sponsoring department or agency and the San Francisco Youth Commission.

(e) Failure to comply with any provision required by this Chapter shall constitute a material breach of the contract, and may be grounds for termination of the contract. Every City agency or department must report all contract breaches to the Human Rights Commission at their next regularly scheduled meeting.

Section 12N.3. Requirement That City Departments Provide Lesbian, Gay, Bisexual, And Transgender Sensitivity Training For Any City Employee Who Has Direct Contact With Youth Or Whose Work Directly Affects Youth.
Each City department shall provide lesbian, gay, bisexual, and transgender sensitivity training for any employee who has direct contact with youth or whose work directly affects youth.

Section. 12N.4. **Effective date.** This Chapter shall not apply to any contract for which a solicitation was issued 90 days following the effective date of this Chapter. This Chapter shall apply to all contracts for which a solicitation was issued more than 90 days following the effective date of this Chapter.

APPROVED AS TO FORM:
LOUISE H. RENNE, City Attorney

By:
John I. Kennedy
Deputy City Attorney
Ordinance amending Administrative Code by adding Chapter 12N, Section 12N.1 through Section 12N.4, to require that all contracts between the City and organizations that engage in youth services contain a requirement that such organization provide lesbian, gay, bisexual and transgender sensitivity training for any employee or volunteer who has direct contact with youth or whose work directly affects youth, and that any City employee who has direct contact with youth or whose work directly affects youth undergo lesbian, gay, bisexual and transgender sensitivity training.

June 7, 1999 Board of Supervisors — PASSED, ON FIRST READING

Ayes: 10 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Yaki, Yee
Absent: 1 - Teng

June 14, 1999 Board of Supervisors — FINALLY PASSED

Ayes: 11 - Ammiano, Becerril, Bierman, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee
I hereby certify that the foregoing Ordinance was FINALLY PASSED on June 14, 1999 by the Board of Supervisors of the City and County of San Francisco.

Jean Lum
Acting Clerk of the Board

JUN 25 1999
Date Approved

Mayor Willie L. Brown Jr.